

Joseph C. Schneider

S/N: 10/711,029

REMARKS

Claims 1-29 are pending in the present application. In the Office Action mailed November 03, 2005, the Examiner rejected claims 1, 4-14, and 16 under 35 U.S.C. §102(e) as being anticipated by Matus (US Pub. 2005/0109736). The Examiner next rejected claims 17, 18, 21-26 under 35 U.S.C. §102(e) as being anticipated by Horner-Richardson et al. (USP 6,881,921). Claims 2, 3 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Matus in view of Iida et al. (5,874,707). Claims 19, 20, 24 and 27-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Horner-Richardson in view of Iida et al.

In the Office Action of November 3, 2005, the Examiner rejected several claims as unpatentable over, in part, Iida et al. The Examiner failed to include a patent number for this reference in the body of the Office Action and failed to include the reference in the Notice of References Cited provided with the Office Action. Applicant telephoned the Examiner upon receipt of the Office Action and requested identification of the Iida et al. reference. During this telephone communication, the Examiner identified the applied Iida et al. reference as U.S. Pat. No. 5,874,707. In order to create a complete and accurate file history, Applicant requests that the Examiner provide a supplemental Notice of References Cited identifying Iida et al. USP 5,874,707 as the reference referred to in the outstanding Office Action.

Each rejection of the claims relies in whole, or in part, upon Matus and/or Horner-Richardson et al. Horner-Richardson et al. has a date of priority which is before the date of priority of Matus. Horner-Richardson et al. has a date of priority of May 22, 2003. Applicant has enclosed herewith a 37 C.F.R. §1.131 Declaration from the Inventor of the above-captioned Application, Mr. Joseph Schneider, along with supporting documentation, which collectively evidence a date of conception prior to May 22, 2003 and diligence to the filing date of the present Application. Accordingly, Horner-Richardson et al. and Matus are believed to not be prior art against the above-captioned Application. Without Matus or Horner-Richardson et al., there are no outstanding rejections to the claims. Accordingly, Applicant believes claims 1-29 are patentably distinct over the art of record and in condition for allowance.

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Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-29.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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Dated: February 3, 2006.
Attorney Docket No.: ITW7510.095

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